

October 3, 2007

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: King County Department of Transportation File No. **V-2560**
Proposed Ordinance No. **2007-0414**
Parcel No. **113610-0148**

JOSEPH WEST AND KAY ODEGARD
Road Vacation Petition

Location: Portion of 152nd Avenue Northeast (aka Atlantic Avenue), east of Gold Creek Park in the Woodinville area

Petitioner: **Joseph West and Kay Odegard**
15215 Northeast 160th Street
Woodinville, Washington 98072-8152
Telephone: (425) 485-5386

King County: Department of Transportation,
Road Services Division, *represented by*
Nicole Keller
201 S. Jackson St.
Seattle, Washington 98104-3856
Telephone: (206) 296-3731
Facsimile: (206) 296-0567

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:
Department's Final:
Examiner's:

Approve road vacation
Approve road vacation
Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2560 was received by the Examiner on September 4, 2007.

PUBLIC HEARING:

After reviewing the Department's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. V-2560 was opened by the Examiner on September 26, 2007, in the Hearing Examiner's Conference Room, 400 Yesler Way, Seattle, WA 98104 and closed that day. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Road name and location:	Portion of 152nd Avenue Northeast (aka Atlantic Avenue)
Right of way classification:	C Class
Area:	16,800 square feet
Compensation:	\$25,620.63

2. Notice of hearing on the Department's report was given as required by law, and a hearing on the report was conducted by the Examiner on behalf of the Metropolitan King County Council.
3. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department's report to the Examiner for the September 26, 2007, public hearing and the statement of facts contained in Proposed Ordinance No. 2007-0414. The Department's report will be attached to those copies of this report and recommendation that are submitted to the County Council.
4. Maps showing the vicinity of the proposed vacation and the specific area to be vacated appear in the hearing record as exhibit nos. 7 and 10.
5. The subject right-of-way segment is not currently opened, constructed or maintained for public use, and is not known to be used informally for access to any property. Horse trails in the immediate area associated with use of the adjacent Gold Creek Park to the west are not located in the requested vacation area, but in adjacent 152nd Avenue Southeast right-of-way area and/or within the park boundary.
6. Vacation of the right-of-way would have no adverse effect on the provision of access and fire and emergency services to the abutting subject property and surrounding area.
7. The right-of-way is not necessary for the present or future public road system for travel or utilities purposes. In particular, it is not necessary for access to the adjacent Gold Creek Park.
8. No easements are necessary to be retained for the construction, repair and maintenance of public utilities and services.

9. The compensation required by law to be paid as a condition precedent to vacation of this road has been deposited with King County.

CONCLUSION:

1. The right-of-way segment subject to this petition is useless as part of the King County road system, and the public will be benefited by its vacation.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2007-0414 to vacate the subject road right-of-way.

RECOMMENDED October 3, 2007.

Peter T. Donahue
King County Hearing Examiner

TRANSMITTED October 3, 2007, to the following parties and interested persons:

Comcast, Inc.
Attn: Dianne Albright
1525 - 75th St. SW, Ste. 200
Everett WA 98203

Joseph West & Kay Odegard
15215 NE 160th St.
Woodinville WA 98072

Maxine Keesling
15241 NE 153rd St.
Woodinville WA 98072

Puget Sound Energy
Attn: Judy McCollum
P.O. Box 97034
Bellevue WA 98009

Qwest
Attn: Marge Bailey
210 - 84th St., Ste. 18
Lakewood WA 98499

Verizon Communications
Attn: Debbie Condron
P.O. Box 1003
Everett WA 98206

Woodinville Water District
Attn: Dee Jamison
P.O. Box 1390
Woodinville WA 98072

Kim Claussen
DDES/LUSD
MS OAK-DE-0100

Neil DeGoojer
DNRP/WLRD
MS KSC-NR-0600

Sarah Gagnon
Wastewater Treatment
MS KSC-NR-0503

Nancy Gordon
KCDOT/D&C
MS KSC-TR-0431

David Gualtieri
KCDOT/CIP & Planning
MS KSC-TR-0317

Denise Hauck
KC Dept. of Exec. Svcs.
MS ADM-ES-0500

Bill Hintz
KC DOT, Rd. Maint.
MS RSD-TR-0100

Nicole Keller
KC DOT, Rd. Svcs. Div.
MS KSC-TR-0231

Kristen Langley
KC-DOT/RSD
MS KSC-TR-0222

Tom Lew
KC DNRP/WLRD
MS KSC-NR-0600

Paulette Norman
KCDOT/RD SERV.
MS KSC-TR-0231

Robert Nunnenkamp
KC DNRP/Prog Dev.
MS KSC-NR-0700

Lydia Reynolds-Jones
KC DOT/RD SERV.
MS KSC-TR-0231

Charlie Sundberg
Bus. Rel. & Economic Dev.
MS BOA-EX-2000

Kelly Whiting
KC DOT, Rd. Svcs. Div.
MS KSC-TR-0231

NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) *on or before* **October 17, 2007**. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before* **October 24, 2007**.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3rd Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty-one (21) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE SEPTEMBER 26, 2007, PUBLIC HEARING ON DEPARTMENT OF
TRANSPORTATION, ROAD SERVICES DIVISION FILE NO. V-2560.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Nicole Keller, representing the Department, and Joseph West and Kay Odegard, the Petitioners.

The following exhibits were offered and entered into the record:

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|---------------|--|
| Exhibit No. 1 | Report to the Hearing Examiner for the September 26, 2006 hearing, with 16 attachments. |
| Exhibit No. 2 | Petition transmittal letter, dated April 7, 2006 to KC Department of Transportation, from Clerk of the Council |
| Exhibit No. 3 | Petitioner's letter to the King County Council dated April 3, 2006 requesting the road vacation |
| Exhibit No. 4 | Petition for vacation of a County road including legal descriptions of petitioners' properties |

- Exhibit No. 5 Copy of filing fee, check 589 from the Petitioners
- Exhibit No. 6 Receipt from the King County Council #776 dated April 7, 2006 & the copy of the filing fee from the Petitioners
- Exhibit No. 7 Vicinity map
- Exhibit No. 8 King County plat map of The Bronson Addition to Kirkland, recorded in Volume 6 of Plats, Page 96, records of King County
- Exhibit No. 9 Short Plat No. 1082033, King County, Washington, recording number 8411260432
- Exhibit No. 10 Map depicting vacation area
- Exhibit No. 11 Letter to Joseph West and Kay Odegard dated September 7, 2006 notifying them that Road Services received their petition
- Exhibit No. 12 Letter to Joseph West and Kay Odegard dated April 5, 2007 giving DOT recommendation and requesting compensation
- Exhibit No. 13 Compensation worksheet
- Exhibit No. 14 Copy of compensation check in the amount of \$25,620.63
- Exhibit No. 15 King County deposit receipt 146665 dated May 9, 2007
- Exhibit No. 16 Transmittal letter dated May 29, 2007 to the Council giving the recommendation of KCDOT and the County Road Engineer
- Exhibit No. 17 Ordinance transmittal letter dated August 6, 2007 from the King County Executive to Councilmember Larry Phillips
- Exhibit No. 18 Proposed Ordinance 2007-0414
- Exhibit No. 19 Fiscal Note
- Exhibit No. 20 Notice of Hearing
- Exhibit No. 21 Affidavit of Posting
- Exhibit No. 22 Affidavit of Publication for the date of the hearing
- Exhibit No. 23 Letter from Maxine Keesling dated September 13, 2007
- Exhibit No. 24 E-mail string from the Parks Department

PTD:gao

V-2560 RPT